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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, vs. GOOGLE, INC., Defendant.	Case No. C 05-03649 JW PVT **PLAINTIFFS' NOTICE OF MOTION AND ADMINMISTRATIVE MOTION UNDER LOCAL RULE 79-5(d) FOR LEAVE TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.** **Civ. L.R. 79-5(d)** **Courtroom: 5** **Judge: Hon. Patricia V. Trumbull**

PLEASE TAKE NOTICE that Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern respectfully submit this administrative motion pursuant to Civil Local Rule 79-5(d) to place under seal portions of Plaintiffs' Notice of Motion and Motion to Compel Google, Inc.'s Answer to Interrogatories No. 4 and 5 and to Product Documents in Response to

Dockets.Justia.com

Request for Production No. 29 and the supporting Declaration of Rachel S. Black. The highlighted/redacted statements within Plaintiffs' Motion refer to and/or quote portions of the Declaration of Adam Samet filed in support of Google's Motion for Summary Judgment, which Google considers to be confidential, proprietary or trade secret information. *See* 9/5/08 Declaration of David T. Biderman (Docket Item No. 235). The highlighted/redacted portions of Plaintiffs' Motion to Compel also refer to and/or quote Mr. Samet's October 13, 2008 deposition testimony, which Defendant Google, Inc., has designated "Confidential - Trade Secret Attorneys' Eyes Only" pursuant to the Stipulated Protective Order filed on March 2, 2007 and executed by this Court (with amendments) on May 15, 2007. Ms. Black's declaration attached portions of Mr. Samet's deposition as Exhibit 6.

Accordingly, pursuant to Local Rule 79-5, Plaintiffs are filing the instant motion. Please note that under Local Rule 79-5(d), within five days of this filing Defendant must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If Defendant does not file its responsive declaration as required by Rule 79-5(d), the filings referenced above will be made part of the public record.

Dated: November 26, 2008.

Respectfully submitted,

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By s/ Rachel S. Black
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CERTIFICATE OF SERVICE

I hereby certify that on the date written above, that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants, as follows:

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